

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 4:17-cv-00131-BYP
)	
vs.)	Hon. Benita Y. Pearson
)	
S.H. BELL COMPANY,)	
)	
Defendant.)	
_____)	

**UNITED STATES' MOTION
FOR ENTRY OF CONSENT DECREE**

On January 18, 2017, the United States lodged with this Court a proposed Consent Decree with Defendant S.H. Bell Company ("S.H. Bell"), to resolve allegations that emissions of ambient manganese from S.H. Bell's facility in East Liverpool, Ohio and Ohioville, Pennsylvania (the "East Liverpool Facility") present or may present an imminent and substantial endangerment to public health or welfare under Section 303 of the Clean Air Act ("CAA") and Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). On January 25, 2017, the United States published a notice in the *Federal Register*, advising the public of the lodging of the proposed Consent Decree and soliciting public comments in accordance with the governing law. *See* 82 Fed. Reg. 8436-8437.

The United States received two comments from local residents and two comments from industry-associated entities. Having reviewed the comments, and for the reasons set forth in the accompanying *Memorandum in Support of Motion for Entry*, the United States has determined

that nothing therein would justify withdrawal of its consent to the proposed settlement as fair, reasonable, and consistent with the purposes of the CAA and CERCLA.

THEREFORE, the United States respectfully requests that the Court enter the proposed Consent Decree.

Dated: March 28, 2017.

Respectfully submitted,

PLAINTIFF UNITED STATES

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Environment and Natural Resources Division

/s/ Jeffrey A. Spector

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion for Entry of Consent Decree* was served on this date via email upon the following individual:

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3/28/2017

Date

/s/ Jeffrey A. Spector

Jeffrey A. Spector